

ITHACA AREA WASTEWATER TREATMENT FACILITY

TOWN OF ITHACA CITY OF ITHACA TOWN OF DRYDEN, OWNERS
525 THIRD STREET
ITHACA, NEW YORK 14850
(607)273-8381
FAX (607)273-8433

**IN THE MATTER OF
ITHACA BEER CORPORATION, INC.
122 Ithaca Beer Drive
Ithaca, NY 14850**

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NOTICE OF VIOLATION AND COMPLIANCE ORDER

LEGAL AUTHORITY

A. The City of Ithaca, Town of Ithaca, and Town of Dryden jointly own and operate the Ithaca Area Wastewater Treatment Facility (IAWWTF), which has a pretreatment program approved by the U.S. Environmental Protection Agency to regulate discharges into the public sewer system from industrial (non-domestic) users.

B. As part of the approved pretreatment program, the City of Ithaca, Town of Ithaca and Town of Dryden have each enacted a Sewer Use Requirements Law regulating discharges from industrial users. The Town of Ithaca's Sewer Use Requirements Law is codified at Chapter 216 of the Town of Ithaca Code.

C. Town Code § 216-38 and § 216-40 give the Chief Operator of the Ithaca Area Wastewater Treatment Facility the authority to issue notices of violations and compliance orders to industrial users that are not in compliance with, among other things, pretreatment standards, pretreatment requirements, wastewater discharge permits, or other requirements of Town Code Chapter 216.

FINDINGS

D. The IAWWTF issued Ithaca Beer Corporation, Inc. (Ithaca Beer) a wastewater discharge permit ("Permit") and Compliance Order on June 1, 2018. The compliance schedule in the Permit and the Compliance Order included the following milestones:

1. By July 2, 2018, Ithaca Beer must submit to the Chief Operator a written proposal for a mitigation plan to prevent effluent pH extremes (2 or less and 12.5 or more, which are categorized as hazardous waste by the EPA) in the interim period between July 16, 2018 and when Ithaca Beer has a functioning pretreatment system for pH.

2. By July 16, 2018, Ithaca Beer must begin continuous pH monitoring at an approved monitoring location.

3. By July 16, 2018, Ithaca Beer must eliminate the pH extremes (2 or less and 12.5 or more) in its wastewater discharges.

4. By August 27, 2018, Ithaca Beer must submit to the Chief Operator two sets of detailed plans and specifications for a proposed monitoring/sampling/metering station and a pretreatment system that will bring Ithaca Beer into compliance with the pH limits. These plans must be prepared and certified by a qualified professional. (Ithaca Town Code §§ 216-13 & 216-26)

5. Ithaca Beer shall complete the monitoring/sampling/metering station after the Chief Operator approves the design, and within ninety (90) days of its receipt of this Compliance Order. (Ithaca Town Code § 216-26)

8. Ithaca Beer shall notify the Chief Operator in writing, within fourteen days (14) of its compliance with the above milestones as each milestone is achieved. In the event Ithaca Beer fails to comply with any of the deadlines set forth in this Order, Ithaca Beer shall, within one (1) working day after expiration of the deadline, notify the Chief Operator in writing of such failure. This notice shall describe the reason for Ithaca Beer's failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays. This notification in no way excuses Ithaca Beer from its violation of the schedule in this Order or from its responsibility to meet any later milestones required by this Order. (Ithaca Town Code § 216-22B(4))

E. On September 14, 2018, Ithaca Beer's engineer stated in an e-mail to the Chief Operator that a monitoring meter was installed at Ithaca Beer on August 10, 2018. The pH and temperature sampling data sent with the e-mail covered the period of August 10, 2018 through part of September 12, 2018. The sampling data shows the pH of Ithaca Beer's wastewater discharges was below 2 on many dates, including on the last full day for which sampling data was provided (September 11, 2018).

F. Ithaca Beer violated the June 1, 2018 Permit and Compliance Order by not submitting the written proposal required by #1 (above).

G. Ithaca Beer violated the June 1, 2018 Permit and Compliance Order by failing to begin continuous pH monitoring at an approved monitoring location by July 16, 2018, as required by #2.

H. Ithaca Beer violated the June 1, 2018 Permit and Compliance Order by failing to eliminate the pH extreme of 2 or less in its wastewater discharges by July 16, 2018, as required by #3.

I. Ithaca Beer violated the June 1, 2018 Permit and Compliance Order by not submitting the plans required by #4.

J. Ithaca Beer violated, five separate times, the June 1, 2018 Permit and Compliance Order by failing to notify the Chief Operator, as required by #8, of its compliance, or non-compliance, with milestones 1, 2, 3, 4, or 5.

THEREFORE, BASED ON THE ABOVE FINDINGS, ITHACA BEER IS HEREBY NOTIFIED THAT:

K. Ithaca Beer is in violation of its Permit, the Compliance Order, and Ithaca Town Code §§ 216-13, 216-22B(4), and 216-26, as described above.

L. Pursuant to Ithaca Town Code § 216-40C, the issuance of this Notice of Violation and Compliance Order does not relieve Ithaca Beer of any liability for its violations of Ithaca Town Code Chapter 216.

M. Compliance with this Compliance Order does not relieve Ithaca Beer from its violation of the schedule in the June 1, 2018 Permit and Compliance Order, or from its responsibility to meet any later milestones required by the Permit and the June 1, 2018 Compliance Order.

N. Pursuant to Ithaca Town Code § 216-43, Ithaca Beer is subject to a civil judicial penalty of up to \$5,000 per day for each violation.

FURTHERMORE, under the authority of Ithaca Town Code § 216-38, to ensure that Ithaca Beer is brought into compliance with its Permit and the Sewer Use Requirements Law at the earliest possible date, **IT IS HEREBY ORDERED:**

O. By October 1, 2018, Ithaca Beer shall provide the Chief Operator with:

a. All overdue reports on compliance or non-compliance with the milestones in the June 1, 2018 Permit and Compliance Order. In the case of non-compliance, the report must describe the reason for Ithaca Beer's failure to comply, the additional amount of time needed to complete the remaining work, and the steps to be taken to avoid future delays.

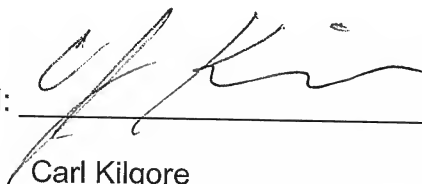
b. All effluent data, collected at Ithaca Beer's facility, from February 22, 2017 to September 19, 2018.

c. A report on that data summarizing:

- i. All violations of the Town of Ithaca Sewer Use Requirements Law;
- ii. The number, and percentage, of days with one or more pH readings < 2.0 S.U.
- iii. The number, and percentage, of days with one or more pH readings >11.0 S.U.
- iv. The number, and percentage, of days with one or more pH violations; and
- v. The low, high, and average results for each parameter.

This Order, made this 24th day of September, 2018, shall be effective upon receipt by Ithaca Beer.

Signed: _____

A handwritten signature in black ink, appearing to read 'C. Kilgore', is written over a horizontal line.

Carl Kilgore
Chief Operator
Ithaca Area Wastewater Treatment Facility
525 Third Street
Ithaca, New York 14850